FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * * *

This matter comes before the Zoning Commissioner as a Petition for Zoning Variance for that property known as 6120 Clen Falls Road. The Petitioner seeks a variance from Section 101 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Sections 400.1 and 400.3 of the B.C.Z.R. as they all relate to accessory buildings and accessory uses or structures. Specifically, the Petitioner seeks permission for an accessory structure (identified as Barn No. 1 on the Petitioners' site plan) to be larger than the principal building on the lot; from Section 400.1 of the B.C.Z.R. to permit accessory structures, (Barns Nos. 1 and 2 on the site plan) to be located in the side yard in lieu of the required rear yard, and Section 400.3 of the B.C.Z.R. to permit accessory structures (Barns Nos. 1 and 2) to exist with heights of 29 ft. and 24 ft. respectively, in lieu of the maximum permitted 15 ft.

The subject property is 6.352 acres +/- and zoned R.C.4, as shown on Petitioners' Exhibit No. 1, the site plan to accompany the Petition. The property is improved with an existing house and 2 barns. The property is owned by Franklin A. and Mildred A. Plummer, however, is under contract to

the Koren Development Company, Inc. The Plummers and Steven S. Koren appeared as Petitioners. Also appearing in support of the Petition was Tony K. and Terri S. Hudson, who are under contract to purchase the improvements from the developer. There were no Protestants.

part of a larger tract which is owned by the Hudsons. The tract straddles the Baltimore County/Carroll County line. The Plummers are desirous of selling the larger tract to the developer for development as farmettes. The subject lot would be a portion of the development and, as indicated above, is currently improved with an existing dwelling and 2 barns. It was testified that the barns are structurally sound and in good repair. Further, because of the configuration of the lot and orientation of the house, the barns are located in the side yard, in lieu of the rear yard of the property. Further, the barns were built approximately in 1920 and at the time were constructed so as to be their present size and height. The Petitioners and their witnesses certified that relocation or destruction of the barns would diminish the ambiance of the property and locale.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his
property. McLean v. Soley, 270 Md. 208 (1973). To prove practical
difficulty for an area variance, the Petitioner must meet the following:

whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variances were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety and general welfare.

Although I am persuaded to grant the variances, the Zoning Advisory Committee comment from the Deputy Director of the Office of Planning and Zoning is significant. That comment indicates C.R.G. approval was given for the development on September 14, 1989. Further, the comment indicates that the Petitioners' Exhibit No. 1, (the plat to accompany the variance) is not consistent with the approved C.R.G.plan. At my request, the Petitioners submitted, after the hearing, a copy of the approved C.R.G. plan which is accepted into evidence, in this case, and marked as Petitioners' Exhibit No. 2. Indeed, that plan indicates that the existing barns are "to be razed". In view of my findings and this discrepancy, I shall restrict my order so as to require the Petitioners to amend their C.R.G. plan to bring same into compliance with Petitioners' Exhibit No. 1.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this heady of December, 1991 that a variance from Section 101 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (Barn No. 1) larger than the principal building on the lot, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 400.1 of the B.C.Z.R. to permit accessory structures (Barn No. 1 and No.2) to be located in the side yard in lieu of the required rear yard, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 400.3 of the B.C.Z.R. to permit accessory structures (Barn No. 1 and No. 2) to exist with heights of 29 ft. and 24 ft. respectively, in lieu of the maximum permitted 15 ft., be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioners shall cause to be filed an amended C.R.G. plan reflecting that the existing barns on the subject property shall remain where located and not be razed or relocated. This Order shall be conditioned upon said submission

DRDER ACCEIVED FOR FILMS

of an amended plan and acceptance thereof by the

EAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204 887-3353

December 12, 1991

Mr. Steven S. Koren Koren Development Company, Inc. One Centre Park Drive, Suite 207 Columbia, Maryland 21045

Mr. and Mrs. Franklin A. Plummer 6120 Glen Falls Road P.O. Box 447 Severna, Maryland 21146

RE: Petition for Zoning Variance Case No. 92-189-A

Dear Mr. Koren and Mr. and Mrs. Plummer:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

LES:m

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Petition for Variance

to the Zoning Commissioner of Baltimore County

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof hereby petition for a variance from Section 101 (Definition - Accessory Building Variance from Section and Accessory Use or Structure) to permit an accessory structure (Barn #1) larger than the principal building on the lot; Section 400.1 to permit accessory structures (Barn #1 and Barn #2) to be Tocated in the side ward in lieu of the required rear yard; and Section 400.3 to

in the side yard in lieu of the required rear yard; and Section 400.3 to permit accessory structures (Barn #1 and Barn #2) to exist with heights of 29 feet and 24 feet respectively, in lieu of the maximum permitted 15 feet. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

Hardship

The barns are existing and structurally sound, and are an integral part

The barns are existing and structurally sound, and are an integral part of the existing dwelling; however, since the proposed lot cannot be justified as a reduced acreage farm, the barns do not strictly comply with present zoning regulations.

1/We do solemnly declare and affirm,

AVAILABLE FOR HEARING
MON./TUES./WED. - NEXT TWO HANTES

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

	under the penalties of perjury, the are the legal owner(s) of the p which is the subject of this Pelition	roperty
rect Purchaser/Lessee:	Legal Owner(s):	
teven S. Koren	Franklin A. Plummer	
Pype or Paint Name)	(Type or Print Name)	
MISOL	Franklin G. Olum	mu
Signature	Signature	
One Centre Park Drive - Suite 207	Mildred A. Plummer	
Address	Type or Print Name	emmes)
Columbia, Maryland 21045	Midsia	immes
City and State	Signature	
orney for Petitioner:	6120 Gen Fails Rd	
	P. O. Box 447	740-1010
(Type or Print Name)	Address	Phone No.
	Severna Park, Maryland	21146
Signature	City and State	
Address	Name, address and phone number of legal owner, con- tract purchaser or representative to be contacted	
City and State	McKee & Associates, Inc.	
torney's Telephone No.:		ley, MD 21030 Phone No. 517-55
	OFFICE USE ONLY	
	ESTIMATED LENGTH OF HEARING	1/2HR

MCKEE & ASSOCIATES, INC.

Engineering - Surveying - Real Estate Development

SHAWAN PLACE, 5 SHAWAN ROAD

LOT 4 - PLUMMER PROPERTY

BALTIMORE COUNTY, MARYLAND

4TH ELECTION DISTRICT

HUNT VALLEY, MARYLAND 21030

Telephone: (301) 527-1555 Facsimile: (301) 527-1563

•

October 17,

Beginning at a point on the north side of Glen Falls Road (60 feet wide) at a distance of 500 feet, more or less, west of the centerline of Mack Road; thence running along said road, South 51° 51' 53" West 276.07 feet and by a curve to the left with a radius of 3,530 feet and an arc length of 199.96 feet; thence leaving said road and running, North 40° 02' 08" West 300.00 feet, North 15° 15' 02" East 255.25 feet, North 16° 17' 33" West 409.64 feet, North 57° 46' 32" East 85.26 feet, North 85° 41' 52" East 52.69 feet, and South 38° 08' 07" East 788.52 feet to the point of beginning. Containing 6.352 acres or 276,693 square feet of land, more or less.

Being designated as Lot 4 of the Plummer Property as intended to be recorded among the land records of Baltimore County. Also, being known as No. 6120 Glen Falls Road.

HEULINEY COM

LES/mmn

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-5**-**

CERTIFICATE OF POSTING ZOMMO DEPARTMENT OF BALTIMORE COUNTY 92-189-A

The 41h	Date of Posting 11 - 15 - 91
Posted for: The Translin C	
Location of property: 11/5 of Len 6/20 Than Falls Rive	Falls Frak, 500'W of mark Tour
Location of Signet In front of	6120 Flen Falls Roed
Remarks:	
Posted by Signature Fumber of Signat	Date of return: 1/- 22-9/

NOTICE OF NEARING The Zoning Commissioner of Bullimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the properly identified hearin in Room 118, Baltimore County Countriouse, 400 Washington Avenue, Towers, Maryland Patitle -- In-Crario Riumber: 52-189 A W/6 Glen Fall Read, 500' V of Mack Road 6120 Glen Falls Road 4th Election District 3rd Councilmentic Lagal Owner(s): Franklin A. Plummer, et ux Contract Purchaser(s): Steven S. Koren Hearing Date: Tusedsy, November 26, 1991 a 10:00 a.m. Vertance: to permit an accessory structure (Bern #1) larger than the principal building on the lot; to permit accessory structures (Bern #1 and Bern #2) to be located in the side yard; lieu of the required reer yard; and to permit accessory structures (Bern #1 and Bern #2) to exist with heights of 29 feet and 24 feet respectively. In lieu of the maximum permitted 15 feet.

LAWRENCE E. SCHMIDT Zoning Commissioner of Beltimore County

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of weeks, the first publication appearing on ______, 19 ______, 19

887-3353

Baltimore County Governmen Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue

OCTOBER 28, 1991

Towson, MD 21204

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 118, Baltimore County Courthouse, 400 Hashington Avenue, Towner, Haryland 21204 as follows:

CASE NUMBER: 92-189-A W/S Glen Falls Road, 500' W of Mack Road 6120 Glen Falls Road 4th Election District - 3rd Councilmenic Legal Owner(s): Franklin A. Plummer, et ux Contract Purchaser(s): Steven S. Koren HEARING: TUESDAY, MOVEMBER 26, 1991 at 10:00 a.m.

Variance to permit an accessory structure (Barn : : .arger than the principal building on the lot; to permit accessory structures (Barn #1 and Barn #2) to be accessory structures (Barn #1 and Barn #2) rear yard; and to permit accessory structures (Barn #1: and Earn #2) to exist with heights of 29 feet and 24 feet respectively, in lieu of the maximum permitted it rest.

Zoning Commissioner of Baltimore County

cc: Franklin and Mildred Plumer Steven S. Koren McKee & Associates, Inc.

HORSE OF HOMBIG

The Zening Commissioner of Baltimore County, by authority of the Zoning Act and Requisitone of Baltimore County will hold a public hearing on the property identified herein in Room 118, Baltimore County Counthouse, 400 Washington Avenue, Towen, Maryland 21204 as fol-

Case Number: 92-189-A
W/S Glen Fall Road, 500' W
of Mack Road
6120 Glen Falls Road
4th Election District
3rd Councilmanic
Lagal Councilmanic
Resident A. Plantings, sheet
Contract Peruhassaphic
Stories S. Keren
Heading Sate: Turantay,
Heading Sate: Turantay,
1048 S.M.

Vertenes: to permit an ac-cessory structure (Bern #1) legar than the principal building on the lot; to permit accessory structures (Bern #1 and Bern #2) to Le located in the side yard in leu of the required near yard; and to permit accessory structures (Bern #1 and Bern #2) to exist with heights of 29 feet and 24 feet respectively, in Neu of the maximum permitted 15 feet.

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-3353

"DUPLICATE"

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was

published in OWINGS MILLS TIMES, a weekly newspaper published

in Towson, Baltimore County, Md., once in each of

successive weeks, the first publication appearing on ______

NOVEMBER 8, 1991

NOTICE OF POSTPONEMENT

CASE NUMBER: LEGAL OWNER(s): LOCATION:

92-189-A Plummer Property 6120 Glen Falls Road

THE ABOVE MATTER, PREVIOUSLY ASSIGNED TO HEARD ON TUESDAY, NOVEMBER 26, 1991 , HAS BEEN POSTPONED AT THE REQUEST OF STEVEN S. KOREN.

NOTIFICATION OF THE NEW HEARING DATE WILL BE FORWARDED SHORTLY.

Director

cc: Franklin A. Plummer, et ux McKee & Associates

Baltimore County
Zoning Commision
County Office Building Zoning Commisioner County Office Building 111 West Chesapeake Avenue owson, Maryland 21204

receip?

Account: R-001-6150

Please Make Checks Payable Tai Baltheore County \$35.00 BA CO02:35PM10-18-91

County Office Building

111 West Chesapeake Avenue

NOVEMBER 13, 1991

CASE WARREN: 92-189-A

6120 6len Falls Road

Zoning Commissioner of

cc: Franklin and Mildred Planmar

McKee & Associates, Inc.

Steven 5. Koren

Baltimore County

W/S Glen Falls Road, 500' W of Mack Road

4th Election District - 3rd Councilmanic

Contract Purchaser(s): Steven S. Koren

Legal Owner(s): Franklin h. Plummer, et un

HEARING: THESDAY, DECEMBER 3, 1991 at 9:00 a.m.

24 feet respectively, in lieu of the maximum permitted 15 feet.

Towson, MD 21204

Zoning Commisioner 111 West Chesapeake Avenue owson. Maryland 21204

Baltimore County Government

Office of Zoning Administration

and Development Management Office of Planning & Zoning

NOTICE OF NEW HEARING DATE

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore

Room 118, Baltimore County Courthouse, 400 Washington Evenue, Touson, Haryland 21204 as follows:

Variance to permit an accessory structure (Bern #1) larger than the principal building on the lot; to

permit accessory structures (Bern #1 and Bern #2) to be located in the side yard in lies of the required

rear yard; and to permit accessory structures (Bern #1 and Bern #2) to exist with heights of 29 feet and

County will hold a public bearing on the property identified herein in

Teelles

887-3353

Please Make Checks Payable To: Buildings County \$104.03

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

DATE: 11-15-91

Steven S. Koren One Centre Park Drive #207 Columbia, Maryland 21045

CASE NUMBER: 92-189-A W/S Glen Falls Road, 500° W of Mack Road 6120 Glen Falls Road 4th Election District - 3rd Councilmanic Legal Owner(s): Franklin A. Plummer, et ux Contract Purchaser(s): Steven S. Koren MKARING: TOESDAY, NOVEMBER 26, 1991 at 10:00 a.m.

Dear Petitioner(s):

Please be advised that $\frac{109.03}{1000}$ is due for advertising and posting of the above captioned

THIS FEE MUST BE PAID. ALSO, THE ZONING SIGN & F. " SET(S) HUST BE RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIZE POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE

Please forward your check via return mail to to 70 ming Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204. It six to have your case number noted thereon and be made payable to Baltimore County, Maryland. In the prevent delay of the issuance of proper credit and/or

ZONING COMMISSIONER BALTIMORE COUNTY, MARYLAND

November 18,1991

Mr. & Mrs. Franklin A. Plummer

RE: Item No. 202, Case No. 92-189-A Petitioner: Franklin A. Plummer, et ux Petition for Variance

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Baltimore County Government
Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-3353

P.O. Box 447 Severna Park, MD 21146

Dear Mr. & Mrs. Plummer:

submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

Zoning Plans Advisory Committe Coments Date:November 18, 1991 Page 2

> Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the peition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or imcompleteness.

Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

Zoning Plans Advisory Committee

Enclosures

cc: Mr. & Mrs. Franklin A. Plummer P.O. Box 447 Severna Park, MD 21146

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Director DATE: November 12, 1991 Zoning Administration and Development Management

Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: Plummer/Koren, Item No. 202

In reference to the applicant's request, staff offers the following comments:

This property received CRG approval on September 14, 1989 (IV-375).

The plat accompanying the petitioner's request does not conform to the revised CRG plan dated September 17, 1990. Should the applicant's request be granted, a second revised CRG plan will be required.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/rdn ITEM202/TXTROZ Baltimore County Government
Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 2120+

887-3353

Your petition has been received and accepted for filing this 16th day of October, 1991.

Petitioner: Franklin A. Plummer, et ux Petitioner's Attorney:

BUREAU OF TRAFFIC ENGINEERING DEPARTMENT OF PUBLIC WORKS BALTIMORE COUNTY, MARYLAND

DATE: November 19, 1991

Mr. Arnold Jablon, Director Office of Zoning Administration and Development Management

Rahee J. Famili SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: October 29, 1991

This office has no comments for item numbers 172, 192, 194, 195, 196, 197, 198, 199, 200 and 202.

RJF/lvd

Baltimore County Government Fire Department

OCTOBER 29, 1991

700 East Joppa Road Suite 901 Towson, MD 21204-5500

(301) 887-4500

Arnold Jablon Director Zoning Administration and Development Management

Baltimore County Office Building Towson, MD 21204

RE: Property Owner: STEVEN S. KOREN

#6120 GLEN FALLS ROAD Location: Zoning Agenda: OCTOBER 29, 1991

Gentlemen:

Item No.:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

Fire Prevention Bureau Special Inspection Division

JK/KEK

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: October 29, 1991 Zoning Administration and Development Management

Zoning Advisory Committee Meeting for October 29, 1991

FROM: Robert W. Bowling, P.E.

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 172, 190, 192, 193, 194, 195, 196, 197, 198, 199, 200 and 202.

Developers Engineering Division

RWB:s



November 6, 1991

Ms. Gwen Stevens Baltimore County Office of Zoning Administration and Development Management 111 West Chesapeake Avenue Towson, MD 21204

> Re: Case No. 92-189-A 6120 Glen Falls Road Plummer Property Hearing - Tuesday, 11/26/91

Dear Ms. Stevens:

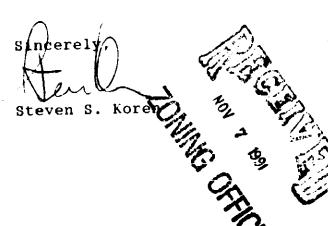
We respectfully request that the zoning hearing, referenced above, be postponed. Unfortunately, we will be out of town that day. In addition, we will also be out of town the week of December 22 through December 28.

I would appreciate that a new date be issued as expeditiously as possible other than within the stated time frames.

Thank you.

cc: Mr. Jeff Schultz

SSK/cas enclosure



One Centre Park Drive Suite 207 Columbia, MD 21045 301-740-1010

PLEASE PRINT CLEARLY PETITIONER(S) SIGN-IN SHEET		

